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| 10/759,236 | 01/20/2004 | Makoto Takeuchi | AI 324 | 7212 |
| 23995 | 7590 | 01/24/2007 | | |
| RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005 | | | EXAMINER HECKERT, JASON MARK | |
| | | | ART UNIT | PAPER NUMBER |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/759,236

Applicant(s)

TAKEUCHI ET AL.

Examiner

Jason Heckert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/04, 11/4/04, 12/29/05</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/29/2005, 11/4/2004, 4/1/2004.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant consistently refers to a drum "having an opening formed in a circumference." This phrase is not clear, as it could refer to a variety of openings in a drum or the open end of any hollow cylinder. Furthermore, the pictures depict the opening in a limited side portion of a drum, not the entire circumference. Please revise the claims to clearly claim the invention.
3. Claims 3 and 4 are both worded very poorly and are very confusing. It is not clear what an "anteroposteriorly predetermined position" refers too, especially considering that the drawings show the highest point that is not in the rear but somewhere in the middle of the top surface of the housing. Please revise the claims to clearly claim the invention.
4. Claim 10 refers to "a component". It is not clear what component is referred to and could refer to a multitude of components in a washing machine. Please revise the claims to clearly claim the invention.
5. Claim 13 refers to a "foreign matter intrusion preventing member." This phrase is vague and indefinite, as it could refer to a variety of objects that can prevent any larger

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object from entering the rear of the housing such as a reinforcement bar, a filter screen, or a solid plastic cover. Please revise the claims to clearly claim the invention.

6. Claim 17 is worded very poorly and is very confusing especially in regards to the location of the "water supply valve" and the "bath water pump." According to the claim, each is located on one side of the "slide lid slidable region" which could mean any location in the interior of the machine, as everything in the machine is on one side of the slide lid. Please revise the claims to clearly claim the invention.

7. Claim 22 contains the phrases "relatively great" and "relatively small." Both of these terms are vague and indefinite. Please revise the claims to clearly claim the invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 5, 13-16, 21-22 rejected under 35 U.S.C. 102(b) as being anticipated by Shin. Shin discloses a washing machine with a housing 1 and a rotatable drum 3 that is arranged in a predetermined angular range with respect to a horizontal axis. Said drum has an opening at the top formed in a circumference, as well as numerous small openings 4 formed in the circumference. The housing has an inlet and a slide lid 7. Said slide lid has a first lid 21 and a second lid 22, as shown in figure 1, coupled with hinge 11 so that they are pivotally attached in a foldable manner. Lid 22 is pivotal in a

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direction intersecting a lid piece connection direction and the lid pieces are connected to one another. As shown in figure 6, lid 21 is smaller than lid 22 and in the open state, lid 22 projects upward, and lid 21 projects downward to a middle portion of lid 22. Said slide lid is bendable and shown in a suspended state when opened as shown in figures 6 – 9. As seen in figure 1, foreign matter cannot enter the area of the rear portion of the housing, due to the way the opening of the housing is designed. Material can only enter the drum. Shin discloses a motor 31 to provide a force to open and close the lid equivalent to an “electric opening/closing mechanism.” Furthermore, Shin discloses that the operation of the door can be controlled with a button (col. 2 lines 48-52) on the control panel. Shin also discloses sensors 65, 70 for detecting whether the door is open or closed. These sensors stop the operation of the motor driving the lid.

10. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Merlin et al. Merlin et al. disclose a washing machine comprising a drum 20, an enclosure 12 with a housing 16, an inlet 22, and an open/close lid 18. Also taught are biasing means to apply a biasing force when lid is to be opened wherein said means include a spring 66 (col. 4 lines 35 – 50). Also included is a catch system 26 for holding the lid in a closed state (col. 4 lines 50 – 65). Note the biasing force is only effective when the door is in an opened state.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Montassier and further in view of Mutoh et al. Shin does not disclose the top face of the housing as being an oblique face. Montassier discloses a standard drum washing machine with two oblique faces as seen in figures 1 and 2. The greatest height of the top face is at the rear position. Montassier does not disclose the oblique faces as being convex. Changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). Furthermore, Mutoh et al. show a convex sliding top to a washing machine in figure 4 that also has a greatest height in a rearward position. Both Shin and Korean Patent Publication 1995-0025183 (discussed below) disclose slide lids that could be applied to this sort of machine to open and cover the inlet. It would have been obvious at the time of the invention, to modify Shin and include oblique faces with convex shape, as taught by Montessier and Mutoh et al., in order to provide more direct access to the tub and control panel.

13. Claims 6-10, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Korean Patent Publication 1995-0025183 (submitted by applicant). Shin does not disclose guide members or guide surfaces to promote sliding of the lid. Korean Patent Publication 1995-0025183 teaches a sliding roller 34 (equivalent to a guide member) and a guide member 200 (equivalent to a guide surface) provided in the top cover to receive those rollers to promote the sliding in a front to back manner. Furthermore, the guide surface projects rearward of at least one component, such as

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the front of the housing, to prevent the slide lid from interfering with that component. In regards to claims 7 and 8, Shin discloses those features as stated above. It would have been obvious, at the time of the invention, to modify Shin and include guide members and surfaces, as taught by Korean Patent Publication 1995-0025183 in order to facilitate the movement of the slide lid.

14. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Korean Patent Publication 1995-0025183 (submitted by applicant) and further in view of Ericson et al. As stated above, Shin discloses a slide lid and Korean Patent Publication 1995-0025183 discloses guide members and surfaces. Neither discloses flexible sheet members covering the lid that are bendable in accordance with the bending of the slide lid. Flexible sheet members are notoriously well known in the art. Ericson et al. disclose flexible sheet members, or hinges, 142 that cover the upper surface of the lid bodies 130, 132, 134, etc. and bend in accordance with the bending of said lids. These members have a predetermined amount of slack so as to allow the opening of the lid. It would have been obvious at the time of the invention, to modify Shin and Korean Patent Publication 1995-0025183, as stated above, and further include flexible sheet members to function as hinges as taught by Ericson et al.

15. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Seagar et al. Water inlet valves and pumps are notoriously well known in the art. Shin does not disclose them, as his invention relates to the lid portion of the apparatus, but common washing machines use all forms of valves and pumps. Seagar

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et al. disclose a washing machine with a pump 30 for pumping water to the wash inlet as well as a water inlet valve 26. These components are located below, and therefore to a side, of the lid 4. Furthermore rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). As stated, these parts are notoriously common and their function, introducing water into the machine, is independent of their location. It would have been obvious at the time of the invention and modify the machine of Shin by including a water valve and pump, as taught by Seagar et al. in order to introduce water to the tub to carry out the intended operation of cleaning laundry which requires said water.

16. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Cuthbert et al. Shin does not disclose an inner lid covering the tub portion of the machine. Cuthbert et al. discloses a functional equivalent to an inner lid, in that lid 18 has a contoured shape so that the top of the machine is covered as well as the inlet area 22 to the tub to prevent water from splashing. Cuthbert et al. also teach a lid to the interior drum 64 that when open does not overlap with the first lid 18. Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955).

Furthermore duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

Secondary lid 64 could be implemented in such a way to cover only the inlet area, or duplicated to cover the inlet area in place of the inner contoured region of lid 18. These would also provide the function of prevention the splashing of water. It would have been obvious at the time of the invention to modify Shin and include a means to cover

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the tub region of the machine, as taught by Shin, in order to prevent the splashing of water.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent 5,857,363 to Jung et al. Jung et al disclose a washing machine with a housing, a drum, oblique faces, and a slide lid with guide members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

A handwritten signature in black ink, appearing to read 'Michael Barr', with a stylized flourish at the end.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER